

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1738 be amended to read as follows:

- 1 Page 2, between lines 8 and 9, begin a new paragraph and insert:
- 2 "SECTION 2. IC 35-42-2-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A person who
- 4 knowingly or intentionally touches another person in a rude, insolent,
- 5 or angry manner commits battery, a Class B misdemeanor. However,
- 6 the offense is:
- 7 (1) a Class A misdemeanor if:
- 8 (A) it results in bodily injury to any other person;
- 9 (B) it is committed against a law enforcement officer or
- 10 against a person summoned and directed by the officer
- 11 while the officer is engaged in the execution of his official
- 12 duty; or
- 13 (C) it is committed against an employee of a penal facility
- 14 or a juvenile detention facility (as defined in IC 31-9-2-71)
- 15 while the employee is engaged in the execution of the
- 16 employee's official duty;
- 17 (2) a Class D felony if it results in bodily injury to:
- 18 (A) a law enforcement officer or a person summoned and
- 19 directed by a law enforcement officer while the officer is
- 20 engaged in the execution of his official duty;
- 21 (B) a person less than fourteen (14) years of age and is
- 22 committed by a person at least eighteen (18) years of age;
- 23 (C) a person of any age who is mentally or physically
- 24 disabled and is committed by a person having the care of

- 1 the mentally or physically disabled person, whether the care
- 2 is assumed voluntarily or because of a legal obligation;
- 3 (D) the other person and the person who commits the
- 4 battery was previously convicted of a battery in which the
- 5 victim was the other person;
- 6 (E) the other person and the person who commits the
- 7 battery which was related to domestic violence (as defined
- 8 in IC 31-9-2-42) was previously convicted of a battery
- 9 which was related to domestic violence;
- 10 (F) an endangered adult (as defined by IC 35-46-1-1);
- 11 (G) an employee of the department of correction while the
- 12 employee is engaged in the execution of the employee's
- 13 official duty;
- 14 (H) an employee of a school corporation while the
- 15 employee is engaged in the execution of the employee's
- 16 official duty and the employee is:
 - 17 (i) on school property;
 - 18 (ii) within one thousand (1,000) feet of school
 - 19 property; or
 - 20 (iii) on a school bus;
- 21 (I) a correctional professional while the correctional
- 22 professional is engaged in the execution of the correctional
- 23 professional's official duty;
- 24 (J) a person who is a health care provider (as defined in
- 25 IC 16-18-2-163) while the health care provider is engaged
- 26 in the execution of the health care provider's official duty;
- 27 or
- 28 (K) an employee of a penal facility or a juvenile detention
- 29 facility (as defined in IC 31-9-2-71) while the employee is
- 30 engaged in the execution of the employee's official duty;
- 31 (3) a Class C felony if it results in serious bodily injury to any
- 32 other person or if it is committed by means of a deadly weapon;
- 33 ~~and~~
- 34 (4) a Class B felony if it results in serious bodily injury to a
- 35 person less than fourteen (14) years of age and is committed by
- 36 a person at least eighteen (18) years of age; **and**
- 37 **(5) a Class A felony if it results in the death of a person less**
- 38 **than fourteen (14) years of age and is committed by a person**
- 39 **at least eighteen (18) years of age.**
- 40 (b) For purposes of this section:
 - 41 (1) "law enforcement officer" includes an alcoholic beverage
 - 42 enforcement officer; and
 - 43 (2) "correctional professional" means a:
 - 44 (A) probation officer;
 - 45 (B) parole officer;
 - 46 (C) community corrections worker; or

- 1 (D) home detention officer."
- 2 Renumber all SECTIONS consecutively.)
(Reference is to HB 1738 as printed February 25, 1999.)

Representative Mellinger